

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Gregory C. Johnson, Jr

Docket No. 7:01-CR-56-1

Petition for Action on Supervised Release

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gregory C. Johnson, Jr, who, upon an earlier plea of guilty to Conspiracy to Commit Aggravated Assault, in violation of 18 U.S.C. §113, and Possession of Marijuana, in violation of 21 U.S.C. §844, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on December 29, 2001, to the custody of the Bureau of Prisons for a term of 108 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall make restitution to the U.S. Treasurer/Department of the Navy, Naval Legal Services, Mid Atlantic, 9260 Maryland Avenue, Suite 100, Norfolk, Virginia 23511-2898, in the amount of \$6,581.79. The defendant shall be held jointly and severally liable for restitution along with the co-defendant in this case: Sarita Dudley -Nixon, 7:01-CR-97-1-BR1.

On January 28, 2003, the judgment was amended in accordance with the mandate of the Fourth Circuit Court of Appeals for correction by substituting "Assault With a Dangerous Weapon" in lieu of "Conspiracy to Commit Aggravated Assault."

Gregory C. Johnson, Jr was released from custody on July 22, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 22, 2010, a Violation Report was submitted to the Court reporting the defendant had been charged with Assault on a Female and Communicating Threats. The probation officer recommended, and the court agreed, to allow supervision to continue pending adjudication of the state charges.

On August 9, 2010, the defendant appeared in New Hanover County District Court and pled not guilty to both charges. The court found the defendant guilty of both charges, and sentenced him to 150 days, suspended, and 24 months supervised probation.

The defendant is single and is employed at Mayflower Moving Company. He is also enrolled at Coastal Carolina Community College. He successfully completed one year of surprise urine screens via the Surprise Urinalysis Program (SUP) and attended outpatient substance abuse treatment. Subsequent random urine screens have proven negative for illegal substances.

As sanction for the violation, the probation officer is recommending supervision be modified to include one weekend in custody. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of one weekend as arranged by the probation officer, and shall abide by all rules and regulations of the designated facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Djoni B. Barrett
Djoni B. Barrett
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: October 1, 2010

ORDER OF COURT

Considered and ordered this 5 day of October, 2010, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

